

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARATHON ASSET MANAGEMENT, LP,

Plaintiff,

-v-

WILMINGTON TRUST, N.A., as
Administrative and Collateral Agent,

Defendant,

ANGELO GORDON & CO., LP, APOLLO
ADVISORS VII, L.P., BROOKFIELD ASSET
MANAGEMENT PRIVATE
INSTITUTIONAL CAPITAL ADVISER
(CANADA), L.P.,

Intervenor Defendants.

Case No. 15-cv-04727 (AT)(AJP)

NOTICE OF PLAINTIFF’S MOTION TO REMAND AND FOR ABSTENTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiff’s Motion to Remand and for Abstention, and all previous papers and proceedings in this action, Plaintiff Marathon Asset Management, LP, on behalf of one or more managed funds and/or accounts (“Marathon”), will move this Court, before the Honorable Analisa Torres, United States District Judge, at the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, Courtroom 15D, New York, New York 10007, at a time and date to be set by the Court, for an order remanding this action to the Supreme Court of New York, New York County (the “State Court”) and for abstention, on the grounds that: (i) this Court lacks subject matter jurisdiction over this action and therefore must remand the action to the State Court; (ii) in the alternative, even if subject matter jurisdiction existed on the theory

that this action is “related to” a bankruptcy case, as provided in 28 U.S.C. § 1334(b), this Court is nonetheless required to abstain from exercising such jurisdiction pursuant to 28 U.S.C. § 1334(c)(2); and (iii) in the alternative, this Court should permissively abstain from exercising jurisdiction, pursuant to 28 U.S.C. § 1334(c)(1) or remand the action to the State Court on equitable grounds, pursuant to 28 U.S.C. § 1452(b), and granting Marathon such other and further relief as the Court deems just.

Dated: June 29, 2015

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: /s/ George W. Shuster, Jr.

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